Entered at the Post Off ee at New York as Second Subscriptions by Mail, Postpaid.

DAILY AND SUNDAY, Per Year DAILY AND SUNDAY, Per Month...
Postage to foreign countries added. Published by The Sun Printing and Publishin ciation at No. 170 Nassau street, in the Borough

SUNDAY. Per Year

of Manhattan, New York. If our friends who favor us with manuscripts wish to have rejected articles returned, the

must in all cases send stamps for that purpose. Readers of THE SUN leaving the city can have the Daily and Sunday editions mailed to their addresse (which may be changed when necessary) for 7

cents a month. Order through your newsdeale THE SUN. 170 Nassau street.

#### Free Labor.

In response to numerous requests, we print the greater part of the text of the important decision rendered by Judge ADAMS, Judge WINDES and Judge BALL, of the Illinois Appellate Court in Cook county, in the case of the labor unionists who attempted by a strike, with the usual incidents and accompaniments of the same, to compel an agreement for the closed shop. The synopsis and citations given elsewhere were prepared by the Chicago Chronicle from the records of the Appellate Court.

This opinion has been styled epochmaking in the judicial treatment of the tremendous questions involved. The summery of the decision which we printed a week ago has attracted much attention among lawyers, employers of labor and students of social conditions. The fuller text confirms the first idea of the leading importance of the principle so clearly stated by Judge ADAMS:

That apart from the criminality of the methods by which the conspirators sought to compel an agreement for the closed shop, the agreement which they sought to compel was itself unlawful. Judge ADAMS said:

"Article I. of the agreement strikes at the right of contract and provides that complainant shall employ none but members of the several unions. thus discriminating in favor of one class of me and excinding all others. . . The agreements in question would, if executed, tend to create a monopoly in favor of the members of the different unions, to the exclusion of workmen not member of such unions, and are in this respect unlawful

The subjoined propositions are not those of the Court, but of some of the lawyers in Chicago who have been discussing the logical consequences of this decision if it shall be sustained by the Supreme Court of Illinois:

That not merely illegality, but criminality taints the conduct of parties contracting to maintain or establish the closed shop:

That under the laws and Constitution of Illinois, and under the Constitution of the United States, such agreements are not merely contracts in restraint of trade, but conspiracies against the propecty rights of the citizen:

That the employees who procure the employer's signature to a contract for the exclusion of non-union labor, by threats of strike or in other ways, as amenable to the criminal laws for conspiring to injure the "property rights' of the American workman in his labor:

That the employer who signs such an agreement lays himself equally liable to prosecution under the criminal as well as the civil code; liable to indictment prosecution, conviction and punishment by fine or imprisonment in the penitentiary, or both:

That it is a crime even to submit closed shop contract to an employer for his signature, because it is in itself a crime to ask anybody to commit a crime; That existing agreements of the kind

are mull and void. What the Illinois Appellate Court has directly decided is that the closed shop

contract is an illegal trust; and that the attempt to force an agreement to hire only union labor is a crime. It will be observed that the Illinois

decision presents the question of free labor in its simplest aspect, that of right and justice under State laws, and was complicated in no way by the necessity of construing Federal legislation as to interstate commerce.

## A New Political Party.

A new political party has been formed, and last month it held a convention at St. Louis, at which was appointed a committee empowered to make nominations for a national ticket at the election next November.

It is called the United Christian party, and its purpose is to secure a specific recognition of Christianity by the Government and the enforcement of Christian principles in the laws. If it can induce either the Democrats or the Republicans at their national conventions to support the demands of its religious platform, it will agree to withdraw its own candidates and vote for those of the consenting party.

The fundamental ground of objection to our Government by such religious enthusiasts is that there is no specific recognition of GoD in the Constitution of the United States, and, accordingly, amendments to supply the omission have been urged by religious citizens at different times in our history. Among the twelve divisions of the Presbyterian are closed to those who are morally perfamily of churches is one which carries this protest to the extreme of regarding able if there was ever a time when there and treating the Federal Government as an atheistic institution, with which it is sinful to have any voluntary association. Its members refuse to become citizens. They will not vote at any po-Mitical election, will not accept Government places, enlist in the army, serve on juries, nor in any way will they identify themselves with a political system they denounce as godless. It is not a great body, for its total membership is less than ten thousand, but probably it contains as many men eligible for the franchise as would be likely to vote for the candidates of the United Christian party

if they should be put up. At the South the unrelaxed severity

gefical Protestantism, as it is called, is still great, and at this time stronger than in any other part of the Union. New England Puritanism is regarded very unfavorably, but the opposition to it is to a distinct variety of Puritanism rather than to the general Puritan theory of life. Nowhere else in this country is the tone of religious sentiment so essentially Puritan in its austerity as at the South. STONEWALL JACKSON, a great Southern hero, was a peculiarly typical Puri-

tan soldier. We are not surprised, therefore, finding in a Presbyterian paper of Virginia expressions of sympathy with the objects of this new party, though it looks on the formation of a distinct organization for their attainment as mistaken or useless." It speaks of the extreme positions that have been taken by State and Federal Government in enforcing so-called personal liberty and in the separation of religion from the State" as being a grievance greatly felt by many religious people, who, because of laxity in Sunday observance, the running of Sunday trains on railroads and "the expulsion of the Bible from the schools, "are asking if "we have not gone too far and are not sowing seeds of moral destruction and anarchy.

Similar prognostications of evil have been made ever since the drafting of the United States Constitution, but only a few eccentric religious believers, like those of the Presbyterian faction to which we have referred, have ever acted on them politically, and least of all at the South.

It may be assumed that neither the national convention of Republicans at Chicago in June, nor that of the Democrats at St. Louis in July, will introduce a plank into its platform with a view to conciliating the United Christian party and inducing the withdrawal of Presidential electors nominated by it.

#### The Wisconsin War.

The Hon. HENRY C. PAYNE, Postmaster-General, is also the Wisconsin member of the Republican national committee and its vice-chairman. One of the first duties of that committee when it meets in Chicago, June 15, will be to make up the temporary roll of the convention. Two sets of delegates, halfbreed and stalwart, La Follette and anti-La Follette, have been elected from Wisconsin. whose Republicans are treating themselves to the luxury of two State tickets. Mr. PAYNE is a stalwart of the stalwarts who regard LA FOLLETTE as the root of all evil.

If it will be somewhat embarrassing for Mr. PAYNE to sit in a case of a contested delegation where he is practically one of the contestants, it is several thousand diameters more embarrassing for the President to have a member of his Cabinet inextricably mixed up in a fight against the most plausible, powerful and dangerous Republican politician in Wisconsin. Mr. ROOSEVELT tries to preserve a strict neutrality, but war is not always kind to neutrals. The Wisconsin situation bristles with unpleasant possibilities or probabilities.

A Wisconsin statute allows the candidates for Presidential electors in case of a split State ticket to choose on which ticket their names shall be placed. Those names cannot be put upon the official ballot more than ment of both factions upon the same electoral ticket carries small consolation to Mr. ROOSEVELT. The chairman of the La Follette central committee has told the President that a majority of the electors have already given notice to the Wisconsin Secretary of State of their wish to be on the La Follette ticket. If the opposing ticket, the Cook ticket, is not withdrawn, the names of anti-La Follette electors will be on it. Thus some or all of the Republican electors may be defeated.

Here is the real danger. Somebody in Wisconsin must eat humble pie for Mr. ROOSEVELT'S sake if that danger is to be avoided. It won't be LA FOLLETTE.

## Last Sunday's Baccalaureate Ser

mons. Lest Sunday many baccalaureate sermons were preached, for this is the season of the year when the college commencements take place, and the baccalaureate sermon is a pulpit discourse to a graduating class. Its delivery is a custom brought down from the time when religion was foremost in the higher education and the presidents of our American colleges were uniformly clergymen.

In the old days such discourses at the leading colleges were regarded as singularly important utterances. Usually the preachers were the clerical college presidents themselves; and always they have been men of distinction in the sacred profession. The custom continues, but has declined in importance during the last generation, or since the colleges passed from Church and religious control; and, generally, laymen have re-

placed clergymen as their presidents. The Rev. Dr. ROBBINS, the new Dean of the Episcopal General Theological Seminary, preached the baccalaureste sermon at Columbia University. It was a plea for the education of the heart no less than the head. In our modern education, the Dean thinks, the intellectual is cultivated and developed at the expense of the moral and the spiritual-"it is all head and no heart." "Men who lead lives without the pale of righteousness, he said, "may be strong intellectually, but there are whole realms of truth which verted." Very true; but it is questionprevailed in the college world a higher standard of morals than now obtains. Is it higher in the theological seminaries, where religion is the subject of inquiry The reports from those institutions do

to a dangerous extent. The Rev. Dr. JEFFERSON of the Broad way Tabernacle said at the New York University that the college men of today are too bumptious-"supercilious lordly, carking"-but so they have been always, and to no less an extent than now. They get over it, however, when they go out into the competitions of the world; and never were they so well preof the old doctrines of orthodox or evan- pared to meet this strain. The Mosely

not seem to justify such a conclusion

The emotional side may be cultivated

Education Commission found that the old prejudice of men of affairs against college graduates has passed away in this country and that it has been replaced by a preference for them in all places requiring intellectual ability and scientific training.

The baccalaureate sermon at the Methodist Dickinson College at Carlisle in Pennsylvania was preached by the Rev. Dr. REED, the president of the institution, after the old fashion. It proceeded on the assumption that not only in religion, but also in matters social and political there is now a prevalent indifference. He likened the contemporary condition to that of Rome in the time of GALLIO. But why GALLIO? When St. PAUL was brought before GALLIO as Pro-Consul at Corinth, at the instance of the Jews, he dismissed the case as a purely religious dispute outside his jurisdiction -because he was "not minded to be a judge in such matters." That was good Roman law, and in Gallio's decision there was no indication of indifference He looked on the case as purely a Jewish quarrel, which it seems to have been

actually. Dr. REED cited as an evidence of political indifference "a steady transference of political power from the hands of the many into the hands of the few." Actually there has been no such transference. It rather has been the other way. Congress and State legislative caucuses for making platforms and setting up candidates have given place to conventions of delegates for those purposes elected by primaries. Bosses? Go back to the Albany Regency" in the State of New York in the first half of the last century and to THURLOW WEED and WILLIAM H. SEWARD on the other side. Popular voting has become far more general than it was formerly. In 1824 the total poll for President, out of a population of the Union of about ten millions, was only one in twenty-eight. In 1852, when the population was twenty-four millions, it had risen to more than one in eight, and in 1900, when the population was over seventy-six millions, to less than one in six. Does that look like growing politi-

cal indifference? The theme of Bishop LAWRENCE's baccalaureate sermon to the Massachusetts Institute of Technology was "The Ideal Life-the Life of JESUS." By that exalted standard he would have such young men regulate their own lives when they go out into the modern industrial world But where in civilization, with its fierce competitions, are the rules for the conduct of life laid down by JESUS obeyed If they were obeyed would not the whole character of civilization be transformed

As we read over the published summaries of these baccalaureate sermons the thought forces itself that, however it may have been in the past, they do not now serve any purpose of essentia importance. They seem to be of a character to make critics rather than converts among the sharp-witted young college men.

#### Temporary Relief to a Distressed Uncle.

Flash the news to Uncle JOE CANNON sitting disconsolate on his piazza in Danville while the American Sense of Humor faces him in a rocking chair and grins delphia Record belongs the messenger's

" INDIANAPOLIS, June 4 .- All doubt has been re moved as to Senator FAIRBANKS and the Vice-Presidency. The senior Senator has told a few of the big men in the State Republican Committee that he is willing to go on the ticket with Reconvent and take his chances. Congressman HEMENWAY has sped to Washington to make it plain to the President that all doubt has been removed, and henceforward the fight between DURBIN and HEM ENWAY for FAIRBANKS's place in the Senate will be a genuine political mill. The senior Senato made the condition that no attempt should be made in the national convention to boom him for the place. Accordingly, the Indiana delegation will assume to be in the dark about FATRBANES's in-

tentions." The Hon. JAMES A. HEMENWAY rushed to Washington with the great intelligence. Despatches from Washington radiated the tidings over a country which bore it as well as could be

expected. It is unkind to suggest that DURBIN and HEMENWAY are interested witnesses or bamboosled by their hopes Who cares about DURBIN and HEM-ENWAY and the dozen other statesmen who are fishing for the succession?

In this hour, so joyful to Mr. CANNON if its tale be true, every other consideration should be swallowed up in congratulation to him.

Not excepting condolence with Mr. ROOSEVELT.

# Drawn From the Wood.

A svivan coolness blows from "The Wooden Works of THOMAS ANONY-Mous," printed in Baltimore and bound or said to be, at the Backwoods Bindery, Sumter, S. C. In these periodical sprees of the mercury, poetry from the wood is refreshing. The mystifying "TROMAR" has returned to the wooden age of books. He prints on wood. He binds in wood genuine boards. His wooden slabs and their exterior wooden walls are held together by tin rings, connected by an ornamental brass chain. He might have added a couple of wooden clasps, but what's the use of finding fault with a genius and an original? "THOMAS" is thoroughly enjoying himself; and if merit is appreciated, his poems will be hanging by the chain from a peg or hook

in hundreds of happy homes. He admits facetiously that he "took to the woods" when his brain was big with poetry. Wooden as the book looks, he thinks "it will be necessary to peruse the contents fully in order for any one to appreciate fully how thoroughly wooden it is." Mock modesty; the book is fine gold. What a joy are these godlike lines to us who have long insisted that the art of poetry is merely a carving of

prose into assorted lengths and hunks: The undulatory theory which assumes that ether is An elastic and sensibly imponderable fluid pervading

All space, the motions of whose particles in the Of waves transmit light and beat, is untonable for

several reasons." If there is anything wooden in that it is the rustle of immemorial elms. Sleep

drips from every line. You hear the murmur of straws in oceans of sherry cobblers. This is a man to set GANOT'S "Physics" to music and compel the Principla" to "rag time."

Now for a more jovial vein: " Miss Luna spends the change she makes for irips around the world she takes; she must through all her quarters run, yet silver change can count upon: in silver Lune rolls and the suggests the silver coinage free: for minds the moon can change and churn-with moon and men the tide will turn On earth's affairs and human sense the moon ex erts on influence. She sets-her duty 'tis to hatch those theories that moonlight match. The setting moon like setting hen is mad, and mad she makes

This poet is nobly wild, not mad. Benold a glorious rhyme, of unimaginable beauty:

And I dreamed I was greens and that coons grezed

And of wild men with limited literature." In this woodhouse there is unlimited iterature, infinite riches in a little room. The works of THOMAS ANONYMOUS are llustrated xylographically in the grand manner. Who is this True THOMAS the Rhymer? Our old Gopher friend, JADAM BRDE, used to put his poetical legs into birch bark "pants." Has he now enshrined his feet in wood?

The Government and the Fatr. While the primary object of great international fairs, such as the Louisiana Purchase Exposition, is not to make money and return a profit to their investors, it is probable that the complete financial failure of the present enterprise would render it increasingly difficult hereafter for similar projects to induce the Federal Government to take them under its protection. Already there is much public dissatisfaction over the lavish sums that have been appropriated for the St. Louis fair, and the loan of \$4,600,000 made by Congress at its last session was voted in the face of a strong and intelligent opposition.

Each industrial fair of great propor tions has cost more to prepare than its predecessors, and unless each can arouse a greater curiosity in the public and attract a greater number of patrons than the others did, its losses must be much greater than theirs. It is a serious question whether this has been done by the St. Louis exposition. Certainly it is not so common a topic of conversation as was the Philadelphia Centennial show or the Chicago fair, but it may surpass them in public interest before the gates are closed. This lack of interest at present indicates pretty conclusively, however, that after the St. Louis fair is over the country will not be ripe for another such for years to come.

The right of every one of the nine mempers of Mr. ROOSEVELT'S Cabinet to go on the stump as advocates of Mr. ROOSEVELT'S election is indisputable and inalienable.

Whoever thought of criticising Secretar ROOT for his speeches during the second campaign of McKinler-more powerful. interesting and effective speeches, we may add, than those delivered by any outside

In completing his preparations for th Republican national convention, the enrineer in charge of the works must not forget to make suitable provision for the spontaneous and long continued applause with which it is customary to greet the but its earnestness and sincerity counts less than its duration. Since 1884 every Republican convention has been called upon to cheer longer than did its predeessor, and this year there must be no step backward.

## An Ohio Democrat on Mayor McClellan.

TO THE EDITOR OF THE SUN-Sir: That Parker carried New York for a Judgeship is o evidence that he could carry it for the residency against a hustler like Roosevelt. Whatever defects the latter may have Democrats may well take into calculation the fact that a lack of enthusiasm for him by

roung men is certainly not one of them. These young voters are the hustlers in politics as in everyday pursuits, and are attracted to such a man as Roosevelt. They like him for the very characteristics which mature and conservative voters fear in him. They do not share the latters' view that his election will be a menace to the State. No cold storage candidate can defeat him. A candidate who can't divide with Roose-

velt the hot enthusiastic support of the young en is beaten at the start. The fusion candidate fer Mayor of New York, dripping with learning, wisdom and dignity and backed by the thunderers of the press, clergy and churches, was swept aside

by George B. McClellan; and the younger roters did it. His is a name and a personality that can command the enthusiasm and support of the

young men. He is endowed with the mental qualities of calm deliberation, self-restraint, in equipoise that is indispensable in an Extranquillity of the country and confidence of George B. McClellan comes nearer to being

an ideal available candidate than any Democrat that has been named. \_CIVIL WAR VETERAN.

DATTON, Ohio, June 4.

## A Prediction From an Old Soldier.

To THE EDITOR OF THE SUN—Sir: 1 am neither a prophet nor the son of a prophet. Nevertheless, I firmly believe that if the St. Louis convention nominates George Brinton McGellan he will be the next President of MIT COUNTRY. NEW YORK, June 6.

The Big Front Forty-five Years Ago.

From the Utica Observer. "When did the big frost in June occur?"

Every fittle while this question is asked by men
who have heard about the great June frost of 1859. or who may be a little cloudy as to the exact date.

It was asked yesterday by a couple of men who had fallen into a dispute about it. As it happened, seither of the disputants was right, and so the hat that they wagered was not bought. One declared that the frost occurred on the night of June 3 and norning of June 4: the other was sure that it was on the night of the 6th and morning of the 7th. The "big frest" was in 1850, on the night of June 4 and morning of June 5—just forty-five years ago tonight. It was the worst freeze the State of New York ever knew in June, and the summer that blowed was cold all through. A great many people were ruined by the destruction of the crops, and there are some families which probably can trace back their failure to have wealth at their command to the fearful visitation of cold at that time

A Japanese Jingo School Song igainst other classes, whether laborers seek-From the St. James's Gasette.
This same is being sung at the first higher seh Asahi, Shiicishima, and other ships' Eleked the billows of the Fellow Sea And asah the Russian ships. Let the Japan Sea is calm and green

The Legislature of the State cannot create

SECTION 158. If any two or more persons shall

THE ILLEGALITY OF AGREE. MENTS FOR THE CLOSED SHOP.

Text of the Opinion of Judge Adams of the Illinois Appellate Court.

In the present case we think the petitions amply sufficient; that it is not necessary that one shall be a party to the bill or officially served with the writ in order for him to be bound by the injunction, but only that he shall have actual notice of it. It is contended that the contempts are criminal and appellants should have been discharged on their answers. The relief sought is a per-manent injunction, and preliminary thereto a temporary one of the same character as the permanent one prayed. Manifestly the preliminary injunction is for the benefit of the complainant and therefore its enforcement is for its benefit.

The injunction and its enforcement being

for the complainant's benefit, the proceedings must be regarded as civil. Appellant's counsel object to the overruling by the court of motions for bills of particulars and to a hearing on affidavits instead of calling witnesses and examining them in open court. It was clearly a matter within the discretion of the Court as to whether or not a bill of particulars should be ordered. And we are of the opinion that bills of particulars were unnecessary to enable appellants to prepare their defence, as the affidavits setting forth the facts are made a part of the informations.
Defendants admitted that they were picketing complainant's place of business and interfering with its place of business and inerfering with its employees and with persons seeking employment with it, notifying them of the strike and persuading the former to

leave its employ and the latter not to enter it. Appellants deny that they used threats or intimidation of any sort and say they were peaceable and mildly persuasive. But the very presence of a large number of pickets, with the avowed purpose of preventng plaintiff's employees from remaining in its employ and of preventing those seeking employment from entering it was in itself intimidation. When a thousand laborers gather around a railroad track and say to hose who seek employment they had better not, and that advice is supplemented every little while by a terrible assault upon one who disregards it, every one knows something more than advice is intended. It is coercion, force; it is the effort of many by the nere weight of numbers to compel the one

to do their bidding.

The affidavits show that defendants picketed and patrolled around and about complainant's place of business, watching the streets, alleys and approaches thereto, daily shifting their positions; that they so stationed themselves that the complainant's employees were obliged to pass through their picket line that their attitude was ugly and menacing, such as to cause fear in the mind of an ordinary person. Complainant's employees and persons seeking employment were waylaid on their way to and from the factory, they ous instances assaulted and beaten by the strikers, pickets and patrollers, and plainant's business was seriously and injuriously interrupted. All teaming and haul-ing of merchandise to and from complainint's factory was stopped.

The purpose of the strike by complainant's employees and their prosecution of it, as described, was to compel the complainant o execute the agreements referred to and ments, three in number, purport to be with complainant's employ. The draft of agreewith the Metal Polishers, Buffers, Platers. Brass Moulders, and Brass Workers' International Union of North America, Inter-national Union of Steam Engineers and International Brotherhood of Stationary Firemen contains the following:

ARTICLE 1. The party of the first part hereby grees to employ none but members of the afore ald organizations or those who carry the regu lar working card of the said organizations, pro-vided the various crafts will furnish such com petent help as may be required by the party of the first part within twenty-four hours after noti-

Agr. VII. There shall be a steward for each craft in each factory appointed by the organiza-tion, whose duty it shall be to see that the men working in said factory belong to the organizations ART. VIII. It is hereby agreed by the party of first part that the business agent of the party viewing any member of the party of the second part in the offices of the party of the first part dur-

ART. X. A sympathetic strike to protect union inciples shall not be considered a violation of ART. XI. All the apprentices shall belong to the inion and carry the working card of the organi-

ART. XII. The number of apprentices not to exceed one for ten men or less of the different crafts. That the purpose of the strike was to com-pel the execution of the drafts of agreement s clear. It is averred in the sworn bill and leposed to in the affidavits of De Wolf, complainant's president: Kellogg, its secretary and treasurer, and Edwards, its superintendent, that business agents of the different unions called on complainant and insisted on its executing the agreements and that, when complainant's president refused, on the ground that the proposed agreements were unreasonable, it was threatened by one of said business agents that unless com-plainant would sign the agreements a strike would be called and that said business agents called a strike, in response to which about 500 of complainant's employees guit its employ. Appellant's counsel admit in their brief the purpose of the strike is to "bring about the execution of the contracts," and at least three of the appellants so admit in their answers. It is unlawful to compel one to execute any contract. A contract executed under durees is voidable, and duress is pres-ent where a party "is constrained, under cirstances which deprive him of the exercise of free will, to agree or to perform the act sought to be avoided."

Duress exists when a person is induced to perform an act to avoid a threatened and impending calamity. Especially was the purpose to compel complainant to execute the agreements in question an unlawful purpose. Article I. of the agreement strikes at the right of contract and provides that complainant shall employ none but members of the several unions, thus discriminating in favor of one class of men and excluding all others. In Matthews vs. The People (202 Ill., 389), the court, discussing the constitutionality of the free employment agency act, says larly when they have done so without any justifiable cause, is entitled to contract with other laborers or workmen to fill the places of those who have left him. Any workman seeking work has a right to make a contract with such employer to work for him in the place of any one of the men who have left him to go out upon a strike. Therefore the prohibition contained in section 8 strikes right of contract, both on the part of the laborer and of the employer. It is now well settled that the privilege of contracting is ooth a liberty and a property right. Liberty includes the right to make and enforce contracts, because the right to make and enforce contracts is included in the right to acquire property. Labor is property. To deprive the laborer and the employer of this right to contract with one another is to violate section 2 of Article II. of the Constitution of Illinois, which provides that 'no person shall be deprived of life, liberty or property without due process of law.' It is equally a violation of the Fifth and Fourteenth Amendments of the Constitution of the United States. The provision embodied in section s 'is a discrimination between different classes of citizens founded on no justifiable ground and an attempt to exercise legis-lative power in behalf of certain classes and

ing work or employers. It falls under the demnation of the Constitution. The agreements in question would, if exe ented, tend to create a monopoly in favor of the members of the different unions, to the exclusion of workmen not members of such mions, and are, in this respect, unlawful. Contracts tending to create a monopoly are

The purpose of the strikers is in violatio of the criminal code, which provides as folcombine for the purpose of depriving the owner or possessor of property of its lawful use and man-agement, or of preventing, by threats, suggestions of danger, or by any unlawful means, any person from being employed by or obtaining employment from any such owner or possessor of property, on such terms as the parties concerned may agree spon, such persons so offending shall be fined no

exceeding six months.

SEC. 159. If any person shall, by threat, intimidation or unlawful interference, seek to prevent any other person from working or from obtaining work at any lawful business, on any terms that he may see fit, such person so offending shall be fined

Not only was the purpose of the strike unlawful, but the means used to achieve the unlawful purpose were unlawful. The means used were the acts heretofore mentioned, and thereby injury to the complainant's business. The appellants and their associates intended to stop the business of the complainant so far as they possibly and the evidence shows that they did stop it in great part to complainant's injury. The following is contained in the brief of appellant's counsel, which we quote as illustrative of their view of the cause: "How do pick-eting, patrolling, persuading, or even slugging affect property rights, except in the most fantastic sense: Injury to business has no independent existence whatever, because business has no tangible existence to be injured in the true and unperverted sense." In the case of the Union Pacific Railway Company vs. Rue, cited by counsel for appel-lants, the court says: "And that one's busi-

ness is his or its property is likewise ele mentary and is conceded by all.' A man's business is his property. "The freedom of business action lies at the foundation of all commercial and industrial enter-

We know of no well considered case, or, indeed, of any case, holding that a combination of persons to injure the business of another is not unlawful. and others associated with them, acted in concert, in unlawfully endeavoring to injure, and, in fact, injuring complainant's business for an unlawful purpose, is fully sustained by the evidence. They conspired, breathed together, to effect the unlawful purpose and by overt acts did all they possibly coul to that end. It is not necessary to prove an express agreement between the appellants and those associated with them. It may be

proved by circumstantial evidence.

Each conspirator is responsible for the acts and declarations of every other conspirator in furtherance of the common purpose. The conspiracy originated simultane ously with the calling of the strike and continued until the filing of the last petition, July 14, 1902. It was a single conspiracy. And the court, on the hearing of each of the second and third petitions, did not err in hearing the prior evidence.. The evidence was competent as tracing and showing the character of the conspiracy. It is an indispensable condition of the enjoyment by each citizen of the liberty and rights guaranteed by the Constitution and laws that he shall respect and not unlawfully infringe upon the liberty or rights of any other citizen This cannot be done with impunity

Jail sentences and fines imposed by Judge Holdom on twenty-three of the strikers are upheld in the opinion. But in the case of one defendant, Mashek, the length of the jail

sentence is reduced.
"Mashek was sentenced to the county jail for sixty days," says the opinion, "while Christensen was sentenced to be committed for only thirty days. We cannot find in the evidence any reason for this discrimination. Mashek is not shown to have been more guilty than Christensen. On the contrary, we think if there was any difference in the guilt of the two Mashek was the less guilty. The judgment, therefore, in Mashek vs. The People, will be reversed and judgment will to the county jail, there to remain for thirty days unless sooner legally discharged. In each of the other appeals the judgment is

## A Puzzled Princeton Man.

TO THE EDITOR OF THE SUN-Sir: I have been horoughly mysthed by a tale which I read in your vivacious and instructive journal this morning.

According to this succinct chronicle of life in Gotham,
a party of Princeton men left the Princeton Club late on Saturday night and went to the Park Ave-nue Hotel, where they fell into riotous excitement were not high bails nor straight balls, nor even temperate inshoots.

What I wish to know is, first, why did they leave the Princeton Club? It was the evening of a day on which Yale had won the first game of the base ball championship series at New Haven, and the clubhouse must have been filled with faithful alumni, engaged in the ancient and honorabl custom of trying to forget it. Where else could they find so much oblivious Lethe at the lowest prices as in their own clubhouse? Why go thence to a hostelry of commerce? And after midnight

with Sunday morn staring them in the face? Secondly, according to your chronicler, Princeton men were accompanied by a buildog. which one of them was dragging. Is it not known of all men that the bulldog is the sacred animal of Vale and that Princeton keeps a tiger, whose of yale and in life is to push that buildeg off the map? Where did that Princeton crowd get that buildeg? Surely they could not have stolen Ell's mascot in the heyday of his triumph. That would be un-sportsmanlike, to say the least. Or was the bulldog, which that Princeton man was dragging, firmly attached to his leg by dental inclaion?

These things need explanation. A buildog and a Princeton man have no blessed ties that bind. They meet only in mortal conflict on the gridiron BACK NUMBER, '76. NEW YORK, June 6.

## No Actor But Sir Henry?

TO THE EDITOR OF THE SUN-Sir: That was a pretty little speech which Sir Henry Irving made to the Manchester Arts Club last Wedn In two years Sir Henry will bid farewell to the footlights, taking with him "a memory which will be a pride and a pleasure to whatever period

rest may be his lot." Now, this is and news for theatregoers. When Irving retires, who will take his place? Pessimists say that the stage will be to let; that Shakespeare is already shelved, and that the drama is doomed. Let us hope that this view is too gloomy to be true. But, as a matter of fact, except Irving, there is no great actor before the footlights of either English or American theatres. There is no one in evidence now who promises to take any one of the places filled by the old-time stars.

Some thirty-odd years ago Dion Boucleault con plained of the "decline of the drama," and attrib sted it not to the scarcity of authors or actors, but to the change of the public taste, a change which he deplored. There was no demand, he said, for great plays and no desire to see really great actors Shakespeare was still alive, but he was "editing a country newspaper"; and there were Macreadys Kings, Booths and Forrests galore, but there was no

call for them.

Well, perhaps, Bouckault was right. Who knows? NEW YORK, June 5.

Underfact Guideboards in Central Park. TO THE EDITOR OF THE SUN-SIT: Starting at any of the entrances to Central Park with the in tention of reaching the opposite side, one soon compelled to ask a series of questions from tho whom he meets if he would avoid needless wander-ing. Why could not the authorities, in laying an asphalt pavement, have those that lead from one side of the Park to the other have a central strip of another color, say black or blue, about a foot wide, run throughout their entire length? The traveller enteriog a gate and noting whither this path teads (and its destination might also be included in the colored strip at every 100 or 200 feet) need then only follow the central strip with the assurance of going whither he would go, most directly and in comfort, without any worry as to his going astray or annoying strangers with queries they themselves may not be able to answer. NEW YORK, June 5. QUESTION.

TO THE EDITOR OF THE SUN-Sir: There were six n.en waiting for an open car. All of them were gentlemen. When the car came up they filed into a seat, the most politic of all standing aside until the others were seated. Then he took the only seat left—the end seat.

In the eyes of man he was an "end-seat hog." Why not abolish the end seat? CHARLES BATTELL LOOMIS. FANWOOD, N. J., June 4.

> The Beathen's Defence. There ence was a Hottentot tot Who said, "If I oughtn't, why not? Par were I to dress I'd be, I confess, A very hot Hottentot tot."

#### JOHN HARVARD AT SOUTHWARK. Window in Saint Saviour's Church in His Memory Proposed.

From the London Standard. The American residents in London who propose to honor the memory of John Harvard, founder of the famous Massachusette college, by a window in St. Saviour's Church louthwark, need not be afraid that in this instance some meddling antiquary will here after dispute the birthplace of their worthy. The evidence as to Harvard's connection with Southwark will stand the minutest investigation. Thus, the entry of his baptism still exists in the church register with the date Nov. 29, 1607; and, in all probability, he was born in an old row of shops opposite Boar's Head Court, which was not demolished until 1829, when clearances were made for the approach to London Bridge. Thanks to the 1820, when clearances were made for the approach to London Bridge. Thanks to the interesting researches of Mr. Rendie, the re-creator of bygone Southwark, we are able to follow Harvard through a career less out, of the common in the seventeenth century than it would be, perhaps, in the present.

Under various spellings of the name, the family had established itself in the borough as a prosperous middle-class clan. Some were butchers; others innkeepers. As Southwark consisted largely of taverns, the Harvards must have seen a good deal of its money pass through their hands. John Harvard's, father, Robert, purveyed meat until the plague removed him. His widow was twice remarried, and her third husband, Richard Yearwood, was Member of Parliament for the borough. It was his doing, no doubt, that John Harvard matriculated at Emmanuel College, Cambridge. Soon after he took his degree his reother died, having become proprietress of the Queen's Hend tavern-apparently through her second husband, John Ellison or Elletson.

The young man became possessed, therefore, of considerable means, and, had he so chosen, might have enjoyed an easy and respected life in the land of his birth. The Queen's Head was a noted house, frequented by the Southwark Vestry for their goodiellowant dinners, though on one occasion—sad to relate—David Rowley, the landlord, had to answer to the charge of permitting tippling during divine service. But Harvard had presumably become involutated with Puritan doctrines at Emmanuel, and his marriage with Anne Sadier, the daughter of a Sussex clergyman, may have turned his mind still further to religious thoughts. He abandoned Southwark, at any rate, few the more congenial shores of New England, and in the year 1637 was admitted a townshuan of Charlestown, Mass.

The California Critic Has the Last Word. TO THE EDITOR OF THE SUN-Sir: The "Graduates" who have replied to the letter from the undersigned, recently published in your paper, seem to have missed "catching on." Long lists of West Pointers who held high command during the civil war have nothing to do with the subject under discussion, as the letter in question touched only on the military ability of the graduates and the manner in which they handled the armies intrusted to them by a confiding Govern went. It is possible, also, that if business men, instead of West Pointers, had been in of affairs, the war would have ended sooner For its large number of indecisive engage

stead of West Pointers, had been in charge of affairs, the war would have ended acomer. For its large number of indecisive engagaments, and its queer methods of conductina campaigns, that war of ours was certainly the limit. Nearly all the battles were wild scrambles without plan or purpose; and when one of the Generals accidentally gained a victory, he didn't know what to do with it, For example: The Confederate commander at Bull Run; McClellan at South Mountain and at Malvern Hill; Meade at Gettysburg; Bragg at Chickamauga—and so on through the monotonous story of bloody encounters, with thousands of brave men killed and wounded and no results.

One correspondent speaks of "uncontradicted assertions," apparently forgetting that we are not/dealing with assertions, but with those stubborn things called facts; and if the modest criticisms contained in this and his former letter on the same subject convince the reader that something more than education in a military academy is required to make a General, the writer will feel that he is well paid for his not very arduous labor.

Grant was a good General; but when he was fighting in the Wilderness, if he had not repeatedly sent his men in on hopeless charges against an enemy protected by a ditch twelve feet deep he would have been a better one True, Hood, in front of Sherman: Longstreet at Knoxville, and Burnside at Fredericksburg, did the same thing, and all were repulsed with heavy losses: but although the four heavy losses: but alth

# What Mr. Perdicaris Did for Tangler.

From the Lancel.
The capture of Mr. Ion Perdicarls and Mr. Cromrell Variey by the brigand Raisull is a matter more than ordinary and personal concern. Tan-gier is within five days' journey from London. It possesses so many natural and climatic advantages that its popularity as a health resort was likely to increase more and more. Under the leadership of Mr. lon Perdicaris the European residents had onstituted themselves into a sort of borough elected a municipality and duly projected to im pose taxes on each other. They u thus collected to build some sewers, to pave som streets, and in fact, to introduce sanitary improve ments which rendered the place more inhabitable. Therefore, more visitors came, land increased in value, and so many new and European houses were built that had this communed the picturesque character of the place would soon have been destroyed. Then people would cease to go to Tan gier, and all this building would have proved useless and a dead loss. But the Moors rebelled. They did not, perhaps, greatly object to the im-provements made at Tangier, particularly as for the moment it brought in a golden harvest; but they could not tolerate European ideas at the cour of their own Sultan and in the interior of the country. Little by little the Sultan has lost his authority and the country has fallen into a state of anarch; It is not probable that even Raisuli and his wild men would willingly do Mr. Perdicaris or Mr. Var ley any bodily injury, but Mr. Perdicaris is not in good health, and at his age the rough existence he will be forced to lead may produce cvil results. Perdicarls all his life has been devoted to good deeds. No one could be more popular among the Moslem Moors, whom he has defended over and over again from the extortions of New and Christian usurers, acting under the cover of the protege sy tem. It will go hard with Raisult and his tribe if they in sure him. To the European Mr. Perdicaris has also been a constant friend and the leader in all practical useful works. It was Mrs. Perdicari who organized the soup kitchens when there was danger of cholera, so that the want of food should not prepare the way for the outbreak of the disease. In all public works that have contributed to

#### practised under the protege system he has been in strumental in bringing about reform. Colored Waiters Being Displaced.

was the principal initiator and donor. The caus

public health has in him its first and most useful

on, while in regard to the cruci abuses

From the Hetel World.

Time was when the colored man was the only safe, sure wafter for the commercial hotel and the sare, sure warser for the commercial note and the in-ported waiter was the choice for the fashionable place. Now waitrosses are displacing the colored waiters in many places where formerly the service of the former would have been deemed totally imof the former would have been deemed totally im-practicable. You ask any hotel proprietor or man-ager why it is that he employs girls, and you are told that the guests prefer their service, and here (wages also considered) is the sum total of the argu-

### President and Historian. From the Washington Post Having declared that Mr. Roosevelt is the great-

est President the nation has had with the except of Washington, Prof. James 1 tryce is certainly en called the greatost living historian ex-Beyond Compan son.

## From the New Orleans Tanes Democrat. The leap of an archangel from heaven to earth is nothing compared to the mighty spring of a small woman jumping at conclusions.

Not long ago an elderly man approached Gen-Joseph Wheeler in the lobby of a New York hotel. "I want to shake hands with you, General," he "Gray or Blue!" laughed the General, who had

friends all over this broad land of freedom.

"Both," was the roply. "I fought with you under the Shars and Bars in the Confidency, and my two boys fought with you under the Mans and, Stripes in Cube."